



January 30, 2004

HOUSE BILL No. 1199

DIGEST OF HB 1199 (Updated January 27, 2004 12:04 pm - DI 73)

Citations Affected: IC 8-3.

Synopsis: Railroad health and safety inspections. Authorizes the department of transportation to perform health and safety inspections along railroad rights-of-way, in rail yards, in terminals, at rail loading and unloading facilities, and on trains if allowed under federal law. Allows the department to order the improvement or removal of a dangerous or an unhealthy condition on property owned or operated by a railroad. Provides a schedule of fines to be recovered in an action brought by the attorney general for violations of railroad health or safety conditions.

Effective: July 1, 2004.

Kromkowski

January 13, 2004, read first time and referred to Committee on Interstate and International Cooperation.
January 29, 2004, reported — Do Pass.

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HB 1199—LS 6588/DI 14+



January 30, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1199

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-3-1-1.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]: **Sec. 1.5. (a) This section does not apply to the extent that**
4 **it violates or is preempted by federal law.**

5 **(b) The department may inspect railroads and the conditions**
6 **existing on all trains operating within Indiana, including areas that**
7 **are:**

8 **(1) along rail rights-of-way;**

9 **(2) in rail yards;**

10 **(3) in terminals; and**

11 **(4) at rail loading and unloading facilities connected to**
12 **property owned or operated by a railroad, except for those**
13 **areas of loading and unloading facilities that do not require**
14 **access for service by Class I railroads as classified under 49**
15 **CRF 1201 Subpart A, General Instructions 1-1.**

16 **The purpose of an inspection is to assure the safety, health, and**
17 **comfort of rail customers, the general public, and rail employees**

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1 and to abate and remove dangerous or unhealthy conditions found
2 to exist in those locations.

3 (c) The department shall order:

4 (1) the abatement and removal of a dangerous condition or an
5 unhealthy condition; or

6 (2) improvements to be made to remedy a dangerous
7 condition or an unhealthy condition;

8 or both, by the railroad if the condition is shown to be dangerous
9 to the safety or health of railroad customers, the general public, or
10 the employees.

11 (d) A railroad operating in Indiana that willfully violates an
12 order under subsection (c) is liable to the department for the
13 following penalties:

14 (1) For the first violation, a penalty of at least one hundred
15 dollars (\$100) and not more than five hundred dollars (\$500).

16 (2) For a second violation that occurs not later than three (3)
17 years after the first violation, a penalty of at least five
18 hundred dollars (\$500) and not more than one thousand
19 dollars (\$1,000).

20 (3) For a third violation that occurs not later than three (3)
21 years after the first violation, a penalty of at least one
22 thousand dollars (\$1,000) and not more than five thousand
23 dollars (\$5,000).

24 (4) For a fourth violation that occurs not later than three (3)
25 years after the first violation, a penalty of at least five
26 thousand dollars (\$5,000) and not more than ten thousand
27 dollars (\$10,000).

28 This section shall be enforced by the attorney general in a county
29 through which the railroad operates.

30 (e) The department may adopt rules under IC 4-22-2 to carry
31 out this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Interstate and International Cooperation, to which was referred House Bill 1199, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

DENBO, Chair

Committee Vote: yeas 7, nays 5.

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